

**Introduced by Senator Nielsen
(Coauthor: Senator Fuller)**

February 26, 2015

An act to amend Section 10728.6 of, and to add Section 17024.1 to, the Water Code, relating to groundwater management.

LEGISLATIVE COUNSEL'S DIGEST

SB 487, as introduced, Nielsen. Sustainable Groundwater Management Act: California Environmental Quality Act: exemptions.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA exempts specified projects from its requirements.

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act authorizes a local agency or combination of local agencies overlying a groundwater basin to elect to become a groundwater sustainability agency for that basin and authorizes that groundwater sustainability agency to adopt, implement, and enforce a

groundwater sustainability plan or coordinated groundwater sustainability plans. The act exempts the preparation and adoption of a groundwater sustainability plan or coordinated groundwater sustainability plan from the provisions of CEQA, but does not exempt a project that would implement actions taken pursuant to the plan.

This bill would additionally exempt from the requirements of CEQA the formation of a groundwater sustainability agency, the amendment of a groundwater sustainability plan or coordinated groundwater sustainability plan, and the implementation of those plans, except to the extent that the implementation requires the construction or installation of a new facility. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10724.1 is added to the Water Code, to
2 read:
3 10724.1. Division 13 (commencing with Section 21000) of the
4 Public Resources Code does not apply to the formation of a
5 groundwater sustainability agency pursuant to this chapter.
6 SEC. 2. Section 10728.6 of the Water Code is amended to read:
7 10728.6. Division 13 (commencing with Section 21000) of the
8 Public Resources Code does not apply to the preparation either of
9 the following:
10 (a) The preparation, adoption, and adoption amendment of
11 plans a plan or coordinated plan pursuant to this chapter. Nothing
12 in this part shall be interpreted as exempting from Division 13
13 (commencing with Section 21000) of the Public Resources Code
14 a project that would implement actions taken pursuant to a plan
15 adopted pursuant to this chapter.

1 ***(b) A project that implements a plan or coordinated plan, except***
2 ***to the extent that the implementation requires the construction or***
3 ***installation of a new facility.***

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 a local agency or school district has the authority to levy service
7 charges, fees, or assessments sufficient to pay for the program or
8 level of service mandated by this act, within the meaning of Section
9 17556 of the Government Code.